

CR15-00707-PHX-SRB

JAMES SAMPSON

3-4-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	CR15-00707-PHX-SRB
vs.)	Phoenix, Arizona
)	March 4, 2016
Abdul Malik Abdul Kareem,)	
)	
Defendant.)	
)	
)	

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #12
TESTIMONY: JAMES SAMPSON, JR.

APPEARANCES:

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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record and spell your last name.

THE WITNESS: James Sampson, Jr. Sampson.
S-A-M-P-S-O-N.

THE COURT: You may proceed, Mr. Maynard.

MR. MAYNARD: Thank you, Your Honor.

JAMES SAMPSON, JR., WITNESS, SWORN

DIRECT EXAMINATION

BY MR. MAYNARD:

Q Would you introduce yourself to the jury, Mr. Sampson.

A My name is James Sampson. I am Decarus's older brother.

Q And how old are you?

A Fifty-two.

Q Where were you born?

A Philadelphia, Pennsylvania.

Q Were you and the defendant in this case raised together?

A Every since he was a baby when he first came home.

Q Are you guys actually half-brothers?

A We don't call it half-brothers. He came out of my mother.
We were brothers.

Q And so you -- he's been known in this courtroom as Abdul
Malik Abdul Kareem.

A Uh-huh.

Q What do you refer to him as?

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1 A Decarus, his given name.

2 Q Now, are you married?

3 A Yes, I am.

4 Q And how long have you been married?

5 A Eleven years.

6 Q Do you have any children?

7 A Yes.

8 Q How many?

9 A One boy.

10 Q And where do you live?

11 A I live outside Surprise in the county area.

12 Q Tell the jury what the property is --

13 A I live on horse property. I'm a cowboy. Been my whole
14 life. So has Decarus.

15 THE COURT: A Philadelphia cowboy?

16 THE WITNESS: Yes, ma'am. If you goes back there you
17 could thrown a stone and you'll hit somebody.

18 I break horses. I raise horses. I shoe. I rope.
19 Whatever it is, I love being a cowboy.

20 BY MR. MAYNARD:

21 Q Okay. When you were raised back in Philadelphia, you and
22 Decarus were raised together?

23 A Yes.

24 Q Okay. And what religion were you raised?

25 A Baptist. My mother's father is a Baptist minister -- was

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1 a Baptist minister.

2 Q And how many brothers and sisters do you and Decarus have?

3 A About 11, 12 -- about 12.

4 Q Okay. And do you stay in contact with those other
5 brothers and sisters?

6 A All of us talk every day, every one of us that's still
7 alive. You know, I just talked to a couple of brothers today
8 and my mom and my sister, so we all talk every day.

9 Q Your mom is still back in Philadelphia?

10 A Yes. Yes.

11 Q And can you tell us how some of your other brothers are
12 employed? What do they do?

13 A I have two brothers who are police officers, Philadelphia
14 police officers. I have a nephew who is a police officer.
15 Decarus' father, which was my stepfather, but my dad, he was a
16 Philadelphia police department -- officer. His brother is
17 retired FBI. Cousins are police. So the law runs deep in my
18 family.

19 Q Okay. When did you move out here to the Phoenix area?

20 A 1994.

21 Q And why did you move out here? What was the purpose?

22 A All the cowboy pictures on TV and no snow.

23 Q Okay. What is it you do for a living?

24 A I have my own business. I'm called a biotech. I repair
25 medical equipment; respiratory, cryogenic stuff.

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1 Q Were you still living in Philadelphia when Decarus
2 graduated from high school?

3 A Yes.

4 Q And when did Decarus move out to Phoenix?

5 A I think it was '95. I think. I'm not sure. '93. '95.

6 Because my mom was here for a year because of my
7 nephew. His asthma was bad, so my mother and my sister, they
8 moved out here for a year before any of us came out in '93 and
9 then they went back to Philadelphia.

10 Q Okay. We've met a couple of witnesses yesterday. One of
11 them was by the name of Stuart Sampson. Is he related to you?

12 A He's my nephew.

13 Q And the other one was Anthony Sampson.

14 A Also a nephew.

15 Q Which one of them had the bad asthma?

16 A Anthony.

17 Q Okay. Now, your two nephews and your brother are now
18 Muslims?

19 A Uh-huh.

20 Q Are you a Muslim?

21 A No.

22 Q Okay. Have they ever tried to convert you?

23 A No.

24 Q All right. Now, when you moved out here, did you start
25 raising horses and doing that kind of thing then?

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1 A I brought a couple horses with me from back in Philly. I
2 have -- me and my -- he wasn't my brother but he's my brother
3 of heart -- we had like 45 horses, so we had a little 25-acre
4 place outside of Philadelphia called Limerick. So I brought a
5 couple horses with me when I moved here.

6 Q So you really were a Philadelphia cowboy then?

7 A Yes. Yes.

8 Q Okay. How many horses do you have now?

9 A Right now I have five.

10 Q Now, there's been some discussion about shooting.

11 A Uh-huh.

12 Q Do you have guns?

13 A Yes. I have guns.

14 Q How many guns do you have?

15 A A few.

16 Q Okay. Tell us what you have?

17 A I have a .40. I have a 9 millimeter. I have a .357. I
18 have a couple of 16 gauges, a couple 12 gauges, 7 millimeter.

19 Q Do you shoot out on your property or near your property?

20 A Not on my property. Five miles down is the desert, so we
21 go out that way.

22 Q Okay. Do you go out there shooting often?

23 A Yes.

24 Q Okay. Has Decarus gone out there shooting often with you?

25 A I would usually call him and tell him, hey, I'm going out

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1 shooting, would you like to come.

2 And he comes to the house, if he's not already there,
3 because he actually almost lives there. But he comes to the
4 house and we go to the back and go shooting.

5 Q Do you know whether or not Decarus had any weapons, any
6 guns?

7 A He had, I think, a 9 millimeter.

8 Q Do you know if he had any others?

9 A And I think he had a .38. That was it.

10 Q Okay. And so did you know that Decarus had a felony
11 conviction?

12 A Did I know?

13 Q Yes.

14 A Yes.

15 Q And when did you learn that?

16 A I don't remember when.

17 Q Okay. Did you know what the felony conviction was for?

18 A Yes.

19 Q And what did you understand?

20 A Drinking and driving.

21 Q Okay. Now, when Decarus would come out to your property
22 and go shooting, did -- did he ever bring anybody with him?

23 A Not to go shooting.

24 Q Did he --

25 A He would bring people and we would go riding. Sometime he

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1 wanted to ride and, you know, I'll let him -- the people he
2 bring in the arena, but never shooting.

3 Q Okay. Do you remember -- did you know somebody by the
4 name of Elton Simpson?

5 A Yes, I do.

6 Q How did you know Elton Simpson?

7 A He's been to my house for numerous occasions.
8 Thanksgiving -- Thanksgiving I do a big Thanksgiving dinner
9 for people. We usually get 45 to 50 to 60 people, whoever
10 want to bring a friend because a lot of people here are
11 transplants.

12 So me and my wife who is Native American, we have
13 this big Thanksgiving dinner. Or we'll do a big barbecue, you
14 know, because -- or various reasons. So I met him a few times
15 that way.

16 Q Okay. Do you have an estimate how many times Elton
17 Simpson was actually out to your property?

18 A I don't have a count. It was many times.

19 Q Do you -- did he ever go shooting out on your property?

20 A No.

21 Q Did -- I'm going to focus on the last couple of years.

22 A Okay.

23 Q Are you and Decarus close?

24 A Very.

25 Q How often would you see Decarus?

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1 A At least --

2 Q In the last two years, let's say.

3 A Three to four times out of the week. Most of the weekends
4 he'll come and stay at my house. And when I go down into
5 Phoenix to do a delivery or pickup, I'll stop and we'll have
6 lunch.

7 Q Okay. When you say "make a delivery," is that in
8 connection with the business that you own?

9 A Yes.

10 Q Okay. So you would end up coming into Phoenix fairly
11 often?

12 A Yes.

13 Q Do you recall when he lived on Cochise?

14 A Yes.

15 Q Did you ever go to that property?

16 A Many times.

17 Q What would the reasons be that you would go to Cochise?

18 A He is my brother. Just to go see him. Have lunch. Catch
19 up.

20 Q Okay. Did you ever eat any meals at his house?

21 A Yes.

22 Q Okay. Did you meet people that lived with him there?

23 A Yes.

24 Q And do you remember the names of any of the people that
25 lived with him there?

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1 A You know, really, I really don't. My brother -- which I
2 don't understand. Most people bring home puppies and kittens.

3 He helped people. He would bring people home who
4 don't have. There was a family across the road of eleven
5 kids. He fed them every day. He bought clothes for them.

6 And various time I'll be, like, You can't take care
7 of the world, but he does. So there's people who I have met
8 and I'm not good with names. I'm good with faces. And names
9 escape me.

10 But there are a few people who I have met. And if
11 you called the name, I will probably know who they are.

12 Q All right. Did you ever meet anybody who went by the
13 nickname Black Billy?

14 A Yes. He was a homeless guy.

15 Q And how long did he live with your brother?

16 A I think a couple -- a few months, maybe five, six months.
17 I'm not sure. But, yeah, I used to see him on the road
18 because he's homeless. And next thing I know I go to my
19 brother's and he's living in the house. So it's like again
20 you can't take care of the world.

21 Q Okay. Did you see anybody that was referred to as White
22 Billy?

23 A Yes. I met him.

24 Q Okay. Do you have an understanding of what they were
25 doing when they were living with your brother? How they were

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1 employed?

2 A My brother had a little cleaning business and a moving
3 business, so he tried to give everybody jobs. So that way
4 they'll have a job and then they can get out on their own.

5 Q When did your brother start the cleaning business?

6 A Oh, I'm not sure. But in our household was our father who
7 always said no one is going to give you anything. If you can
8 give something back to the world, do so.

9 That means if you have a job, okay. But if you work
10 for yourself, you don't get a slice of bread, you get a loaf
11 of bread and you'll be able to give other people slices.

12 So that was the whole thing in our house. You always
13 go out and you make something of yourself.

14 Q When you say your brother had a cleaning business --

15 A Yes.

16 Q -- tell the jury what kind of cleaning business it was.

17 A He cleaned banks. He cleaned office buildings. He also
18 had a moving business. He moved private people. He moved
19 companies.

20 And sometimes I even hired him to deliver when I had
21 an overflow of equipment and I couldn't get out, I had him
22 bring his truck and I would load and he go to different
23 companies for me and deliver equipment.

24 Q The cleaning business, was it primarily a carpet cleaning
25 business or --

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1 A It was carpet, yes.

2 Q Okay. When did he start this moving company?

3 A Maybe in 2005, 2004. I'm not really sure.

4 Q Okay. Was your brother pretty successful as a
5 businessman?

6 A If he was, he wasn't always in my pocket. He always
7 needed something. You know, he'll call me up and need a bill
8 paid. So I would go and I would always send a check to his
9 electric company or whatever he needed.

10 He would call me probably once or twice a month he
11 needed something paid, so I always told him that you moving
12 people doesn't pay the rent.

13 Q When your brother would borrow money from you, did he pay
14 you back?

15 A Oh, yeah.

16 Q And let me focus on the last year of his business. Did he
17 seem to have a lot of money in the last year?

18 A No.

19 Q Did he borrow money from you in the past year?

20 A Constantly, yes.

21 Q Okay. Now, when you -- let me mention a couple other
22 people.

23 We've talked about Elton Simpson. We've talked about
24 two Billies?

25 A Uh-huh.

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1 Q Did you know an individual by the name of Stefan Verdugo?

2 A Stefan Verdugo.

3 Q Stefan?

4 A Yes.

5 Q Did you know him as "Stefan"?

6 A Yes. I know him as Stefan.

7 Q How did you know Stefan?

8 A Through my brother.

9 Q Did he ever come out to your house?

10 A Yes. And him, you know -- they came out -- him and a
11 couple folks came out one time to go camping. And they --
12 something happened but they decided that they couldn't go
13 camping, so they camped in one of my arenas because I wouldn't
14 let them in the house. He's not a person I trust.

15 Q Okay. When you say "arenas" --

16 A Horse arena. I'm sorry. A horse arena. They camped out
17 in the horse arena.

18 Q How many acres do you have?

19 A I have an acre-and-a-half.

20 Q Did you know there were some young boys that lived across
21 the street on Cochise?

22 A Yes.

23 Q One was named Juan and one was named Carlos?

24 A Yes.

25 Q Did you know them?

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1 A Yes.

2 Q How did you meet them?

3 A Through my brother, because one day I went down there and
4 he had all these kids feeding them. And I was, like, so you
5 starting a school program -- just being sarcastic -- and he
6 said well these kids live across the road.

7 MS. BROOK: Objection. Hearsay.

8 THE COURT: I'm sorry, Ms. Brook?

9 MS. BROOK: Hearsay.

10 THE COURT: Let's just get the next question.

11 MR. MAYNARD: Okay.

12 BY MR. MAYNARD:

13 Q Did either Juan or did -- did either one of those two boys
14 ever come to your house?

15 A Yes.

16 Q And for what reason?

17 A We had, I think, a barbecue or sometime my brother would
18 just bring them up.

19 Q Okay. So you saw them on a few occasions?

20 A Yes.

21 Q And you would see them at his house?

22 A Yes.

23 Q Okay. Did you ever go out to restaurants with them?

24 A Yes.

25 Q Okay. Now, when you would go to your brother's house, did

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1 your brother ever have on videos that showed activity in the
2 Middle East?

3 A No.

4 Q Did you ever see any radical or terrorist videos?

5 A No. I'm going to tell you a secret.

6 Q It won't be a secret long.

7 A My wife is Native American. She makes fry bread, all
8 kinds of stuff, but she makes -- I raise my own food, you
9 know, beef, pork.

10 So I have my butcher make these big pork steaks. And
11 my wife puts some kind of seasoning on it and my brother eat
12 pork steaks.

13 So that's the secret that we have that he eats pork.
14 So I don't know -- you know, so whenever she makes it and I'm
15 constantly saying, hey, Pat making steak, the pork steaks and
16 he comes up.

17 Q All right. Let me get back to the house.

18 A Okay.

19 THE COURT: I take it the secret part is that to your
20 understanding Muslims don't eat pork?

21 THE WITNESS: Yes.

22 BY MR. MAYNARD:

23 Q Now, did -- you're messing me up.

24 A I'm sorry.

25 Q All right. Did -- you knew your brother had some guns at

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1 his house?

2 A Yes.

3 Q Okay. Did you ever see any terrorist-type videos on his
4 television set?

5 A No.

6 Q Did you ever see any type of that activity on his
7 computer?

8 A No.

9 Q Okay. Now, your two nephews Anthony and Stuart, did they
10 come out to your place often?

11 A Not that often.

12 Q Okay. Do you see Anthony on occasion?

13 A I see them both on occasions.

14 Q Do you have an understanding of why they don't come out to
15 your place that often?

16 A I'm a little tough.

17 Q Do you give them a hard time?

18 A Yes.

19 Q Okay. Now, did you know an individual by the name of
20 Nadir Soofi?

21 A No.

22 Q Okay. Do you recall ever meeting him or --

23 A No.

24 Q No. Okay.

25 Do you know an individual by the name of Abdul Khabir

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1 Hyman?

2 A Yes.

3 Q And how do you know him?

4 A He is actually my mother's sister's nephew. So he's a
5 Hyman. He's related -- he's my mother's sister's nephew on
6 the Hyman side. She was married to a Hyman.

7 Q How did you meet him?

8 A They had stuff going on in Philadelphia one time, so I
9 know his folks.

10 Q So you know him from back in Philadelphia?

11 A Yes. Yes.

12 Q Do you see him out here in Phoenix?

13 A I haven't seen him in a while. Him and his kids would
14 come for Thanksgiving or a barbecue, but that's been a while
15 ago.

16 Q Okay. Did he ever come out shooting at your property?

17 A No.

18 Q Do you know an individual by the name of Daniel VanHook?

19 A Yes. I know Daniel.

20 Q And how do you know Daniel VanHook?

21 A Through my brother.

22 Q And has he ever been out to your property?

23 A He's never been out to my property.

24 Q Okay. Now, I asked you if your brother had borrowed money
25 from you in the past year.

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1 I'm going to -- your brother was arrested in June of
2 2015.

3 A At my house?

4 Q Pardon me?

5 A I'm sorry. He was a resident where?

6 Q No. I said your brother was arrested on June 10, 2015?

7 A Okay.

8 Q In the six months prior to that, between Christmas and
9 when he was arrested, did he ever borrow any money from you
10 then?

11 A I believe so.

12 Q Okay. Would he borrow large sums or --

13 A No. Just for bills, you know, or for go put groceries in
14 the house or something.

15 Q Was there ever a time in the last six months that your
16 brother came and stayed with you for more than a night?

17 A My brother was always at my house, especially on the
18 weekends. You know, on the weekends he will come up and he
19 will just stay because, again, my wife cooks. So he's always
20 there, especially when it's dinner time.

21 But four times out of the week, sometimes five times
22 out of the week we'll see each other.

23 Q Do you ever remember a time when your brother was having
24 problems with his water at his house?

25 A Oh, when he couldn't take a shower? Yes.

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1 Q Do you have any recollection of when that would have been?

2 A No. I'm sorry. I don't.

3 Q Okay. Did -- when that happened, did he stay with you?

4 A Yes. He stayed at my house for a while.

5 Q Okay. Now, did you have any relatives that you actually
6 asked your brother to stay at his house?

7 A Did I have any relatives?

8 Q Yeah. Did you have any relatives -- did your wife have
9 any relatives that actually --

10 A Oh, yes, yes. My --

11 Q You've got to let me finish my question or the court
12 reporter is going to yell at both of us.

13 A Oh, yea, I'm sorry.

14 Q Did you have -- or did your wife have any relatives that
15 actually stayed at Decarus's house?

16 A Yes. My nephew. Her nephew.

17 Q Who was that?

18 A Ricky Meechum.

19 Q And how long did Ricky Meechum stay with Decarus?

20 A Oh, a year or so.

21 Q And when was that?

22 A I think it was 2014. 2014.

23 Q Okay. And did you ask Decarus to take him in?

24 A Yes.

25 Q Why?

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1 A He needed a job. So, again, my brother who tries to help
2 everybody, he gave him a job with the moving company. So
3 instead of him running from my house to his house, which is a
4 long way, he stayed -- I asked my brother if he can stay there
5 until he get hisself together and buy hisself a car and then
6 he will be mobile.

7 Q Was Ricky having difficulty finding a job?

8 A Yes, he was.

9 Q Why was that?

10 A Ricky is -- they wrote him off as a lost cause. He was
11 into drugs. And he'll get a job. Once he get a job, he knows
12 more than the owners know so they fire him.

13 So I kind of figure if he was with my brother, he can
14 keep him balanced and keep him on track.

15 Q Now, was Ricky a Muslim?

16 A No. Native American.

17 Q I asked you questions about when you would go out shooting
18 with Decarus.

19 A Uh-huh.

20 Q Would Decarus clean your guns after you guys had shot?

21 A Decarus is the worst person with guns. Cleaning. He
22 leaves too much oil.

23 Q I'm sorry?

24 A He leaves too much oil on the gun. And when he breaks it
25 down, he doesn't put it back together right so I take care of

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1 all that.

2 Q Did he know how to take apart guns?

3 A He know how to take them apart but he's sloppy taking
4 apart. He forces it. You know, if there's a pin that's
5 supposed to come out, he doesn't take the pin out. So he
6 forces everything and he'll bend something.

7 So, I don't know, forever and a day I been cleaning
8 guns. His guns. My guns.

9 Q And have you done that in the last several years?

10 A Oh, I been doing -- yes. Yes.

11 Q So you would actually clean his guns for him?

12 A Yes.

13 Q Is Decarus mechanically minded? Is he pretty good with
14 tools?

15 A No. No, he's not.

16 Q What do you mean by that?

17 A If you ask him for a crescent wrench, he'll give you a
18 monkey wrench.

19 I don't -- I have all kinds of tools, so I don't let
20 him near my toolbox because there's a tool for every job. He
21 gets the wrong tool for the wrong job.

22 Q Do you remember where there was a time when Decarus was
23 living off Bell Road or on Bell Road?

24 A Yes.

25 Q Do you remember who he was living with then?

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1 A I think it was White Billy. I'm not too sure.

2 Q Do you remember whether or not the fellow who was living
3 with him on Bell Road ever came out to your property to go
4 shooting?

5 A Oh, to go shooting? No.

6 Q No?

7 A No. I don't allow it.

8 You know, like I said, my dad was an officer, so he
9 taught us how to shoot. And when you do that, it's a private
10 time. So, you know, I don't bring anybody to go shooting,
11 nobody but the family.

12 Q Did Decarus discuss with you anything about ISIS? Did you
13 ever hear him talk about ISIS?

14 A No.

15 Q Did you ever hear him talk about a Khilafah?

16 A No.

17 Q A khalif?

18 A No.

19 Q A khalifate?

20 A No.

21 Q Did you ever hear him discuss wanting to move to the
22 Middle East?

23 A Oh, no. No. No. No.

24 Q You're aware of the incident that occurred in Garland,
25 Texas?

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1 A Yes.

2 Q And how did you learn about that?

3 A I saw it on TV.

4 Q Did you recognize or did you know the name of Elton
5 Simpson when it was --

6 A Not at first. I'm not really good with names. Faces, you
7 know, I saw his face on TV, a younger -- a younger photo of
8 him.

9 And I was telling my wife I know him from somewhere.
10 And, of course, she's like you know everybody but -- and then
11 it hit me and I called my brother.

12 Q All right. So that was the first time --

13 A Yes.

14 Q -- you learned was watching TV?

15 A Yes.

16 Q Okay. Have you been interviewed by the FBI in this
17 matter?

18 A Yes.

19 Q On how many occasions?

20 A Three.

21 Q Where did those interviews take place?

22 A The first one was at my house.

23 Q Do you recall when that was?

24 A I'm not exactly sure of the date. I work -- I have a shop
25 on my property. And the dogs were barking and I came up and

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1 there were two gentlemen there and they both said FBI.

2 Okay. We need to talk. Okay. Fine. So I took them
3 in the house. Set at the table. And the first thing they
4 said was that it's about your brother. And he says your
5 brother bought guns for the Elton guy. And my response is:
6 My brother is not that dumb and do you gentlemen live in
7 Arizona?

8 MS. BROOK: Objection. Hearsay.

9 THE COURT: Let's ask your next question,
10 Mr. Maynard.

11 BY MR. MAYNARD:

12 Q Did the FBI interview you about Mr. Simpson?

13 A Yes.

14 Q Okay. Did they interview you about your brother's
15 relationship with Mr. Simpson?

16 A Yes.

17 Q Okay. And how long did that interview last?

18 THE COURT: The first one?

19 MR. MAYNARD: Yes, ma'am. The first interview.

20 THE WITNESS: Maybe about 30 minutes. 40 minutes at
21 the most.

22 BY MR. MAYNARD:

23 Q Okay. And did you then have a second interview with the
24 FBI?

25 A Yes.

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1 Q And when was that?

2 A That was --

3 Q In relationship to the first?

4 A A couple week later.

5 Q And where did it take place?

6 A At the FBI building.

7 Q Did they ask you to come down there?

8 A Yes. They did.

9 Q And you went?

10 A Yes.

11 Q Okay. And you spoke to them openly and honestly?

12 A Oh, yes.

13 Q Okay. And how long did that interview last?

14 A About 30, 40 minutes.

15 Q Okay. And did you have a third interview with the FBI?

16 A Yes.

17 Q And when was that interview?

18 A That was probably a couple weeks after the second one.

19 Q Okay. And where did that interview take place?

20 A At their facility, the FBI.

21 Q And they asked you to come back out?

22 A Yes.

23 Q And you did?

24 A Yes.

25 Q And did they ask you a lot of the questions that I have

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1 asked you here today?

2 A Yes. And they brought out a bunch of weapons, photos, and
3 it was funny because this one thought he would shock me
4 because he says: Oh, it's gruesome --

5 MS. BROOK: Objection. Hearsay.

6 THE COURT: Sustained.

7 BY MR. MAYNARD:

8 Q You can't tell us what somebody else said?

9 A Okay.

10 MR. MAYNARD: We're having lectures today on hearsay.

11 THE WITNESS: Oh, okay. I'm sorry.

12 THE COURT: It's how we're going to spend the
13 afternoon on a short course on hearsay.

14 MR. MAYNARD: I could learn something.

15 BY MR. MAYNARD:

16 Q Were you shown weapons?

17 A Yes.

18 Q Were you actually shown photographs of weapons?

19 A Yes.

20 Q Or did they actually have weapons there for you to look
21 at?

22 A Photographs.

23 Q Photographs. Did you recognize any of those weapons?

24 A No.

25 MR. MAYNARD: Just a moment, please.

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1 I have no further questions.

2 You can't leave. You've got to sit there.

3 THE COURT: Ms. Brook.

4 MS. BROOK: Thank you.

5 **CROSS EXAMINATION**

6 BY MS. BROOK:

7 Q Good morning.

8 A Good morning.

9 Q Sir, I think you mentioned that you're 52?

10 A Yes, ma'am.

11 Q So you also mentioned that you have 11 -- is it 11 other
12 siblings?

13 A Yes.

14 Q And in terms of your order in relation to them, are you
15 the oldest? The youngest?

16 A I'm the third oldest.

17 Q You're the third oldest?

18 A Oldest boy.

19 Q And you moved out here to Phoenix about 21 year ago?

20 A Yes.

21 Q And about the same time your brother Decarus moved out
22 here too?

23 A Yes.

24 Q Now, a couple years ago your brother legally changed his
25 name to Abdul Malik Abdul Kareem.

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1 A Okay.

2 Q And that happened in 2013?

3 A I'm not sure when it happened.

4 Q Did he tell you that he had gone down and gone through the
5 effort to legally and formally change his name to Abdul Malik
6 Abdul Kareem?

7 A Yes, ma'am, but I didn't care. His name is Decarus.

8 Q So do you call him "Malik" or "Kareem"?

9 A I just call him Decarus or Carus.

10 Q And why is it that you won't call him Malik?

11 A From the time he was born, that's the name my folks gave
12 him, so I don't -- I have a lot of friends that change their
13 names. I call them by their name that was given to them.

14 Q So you're Baptist?

15 A Yes, ma'am.

16 Q And your brother converted and became Muslim?

17 A Yes, ma'am.

18 Q Have you ever gone to the mosque with him?

19 A No.

20 Q Have you ever prayed with him?

21 A No.

22 Q And is it fair to say that everybody pretty well knows
23 that you're a Baptist and you are the way you are?

24 A If they ask. I don't go by religion. So it doesn't
25 matter, but I feel like if that's the religion you want to be,

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1 then you can.

2 Q But those people that know you know that you're Baptist?

3 A Some people do, yes.

4 Q Certainly your family knows that?

5 A Oh, yes.

6 Q At some point you told your brother that his religious
7 stuff was going to get him in trouble?

8 A I did?

9 Q Do you remember saying that to him?

10 A No.

11 Q You remember sitting down with --

12 Well, defense counsel, he asked you a couple of times
13 about the occasions where you sat down with FBI agents and
14 talked to them?

15 A Yes.

16 Q And in particular, the first time, which was on June 11,
17 so the day after your brother was arrested, you sat down and
18 you talked to some FBI agents. You talked to Detective Nash?

19 A Uh-huh.

20 Q Okay. And I'm placing on the overhead your report and
21 there --

22 THE COURT: Well, let's be clear. You said "your
23 report." This is a report that Detective Nash made of the
24 interview?

25 MS. BROOK: Correct. Correct.

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1 BY MS. BROOK:

2 Q And in looking at that, does it refresh your memory of
3 what you --

4 A I never said that. I wouldn't say that.

5 Q Okay. You mentioned that -- you mentioned that you knew
6 your brother had been convicted of a felony, right?

7 A For drinking and driving?

8 Q Uh-huh.

9 A Yes, ma'am.

10 Q And you found that out in the interview that you had with
11 Detective Nash on June 11th.

12 Before that point you didn't know that your brother
13 had been convicted of a felony?

14 A No, ma'am, I knew that. The fourth time he got arrested
15 for DUI, I had already knew that.

16 Q Now, this is the interview that I'm placing on the
17 overhead. It's the report --

18 A Okay.

19 Q -- from your June 25th, 2015, interview and this, again,
20 was with Detective Nash where you said that if Decarus was a
21 felon --

22 MR. MAYNARD: Objection.

23 THE COURT: Excuse me. You can't -- you can ask him
24 to look at this and ask him if that -- if he said that, but
25 you can't read what -- you can't read this hearsay.

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1 MR. MAYNARD: There we go again.

2 BY MS. BROOK:

3 Q If you knew that your brother was a felon, would you have
4 let him have a gun?

5 A It's up to him. He's grown.

6 Q In looking at this report, does it refresh your memory
7 about what you told the officer about whether you knew he had
8 a felony and what you would have done if you knew he was a
9 felon?

10 A No. There's a few things I said on this, but, no, it's
11 not accurate.

12 Q Isn't it true that you told Detective Nash that you didn't
13 know your brother had a felony?

14 A No. I did. I've already knew that when his fourth DUI.
15 When he got his fourth DUI, we discussed it and I called my
16 brothers at home and, you know, they told me, they said, yes,
17 he's DUI. He has four DUIs so he is a felon. Nash didn't
18 tell me that. I had already knew.

19 Q So your statement here today is that you did not tell
20 Detective Nash?

21 A No. I did not.

22 Q Okay.

23 A Me and my brothers is pretty -- me and my brothers, all of
24 us are pretty close so we talk. And the fourth time he got
25 arrested, he told me that he was now a felon.

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1 Q Are you aware that your interview with him that day was
2 recorded?

3 A It didn't matter. I had nothing to hide. That's fine.

4 Q You had mentioned that during the six months before your
5 brother was arrested that there were times that you loaned him
6 money?

7 A Yes, ma'am.

8 Q Okay. Are you aware that periodically your brother would
9 wire hundreds of dollars to people, including people in
10 Bangladesh?

11 A I don't believe that.

12 Q Placing on the overhead Exhibit 197, looking at \$699 of
13 money transfers from the end of March of 2015.

14 A Okay. I don't see his name on there.

15 Q Would it surprise you to know that these were found in his
16 pocket when he was arrested?

17 A I wasn't -- I wouldn't know. I wasn't there. But you
18 showing me receipts and they can come from anywhere. I don't
19 see a name on there.

20 Q Additionally, \$725 wired on May 4th of 2015?

21 A Again, I don't see his name.

22 I can bring you a receipt --

23 Q But it would surprise you to know?

24 A -- that was wiring something, but there's no name on
25 there. So what you're telling me --

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1 Q And, sir, hang on one second.

2 So it would surprise you to know that he was wiring
3 hundreds of dollars to people during that period of time where
4 you were loaning him money?

5 MR. MAYNARD: Objection. Asked and answered and also
6 a lack of foundation.

7 THE COURT: Overruled. You may I answer "yes" or
8 "no."

9 THE WITNESS: I'm sorry. What was the question?

10 BY MS. BROOK:

11 Q It would surprise you to know that he was wiring hundreds
12 of dollars to people during the same period of time where you
13 were loaning him money?

14 MR. MAYNARD: Same objection.

15 THE WITNESS: "Surprise" is such a vague word for me.
16 I don't know how to answer that.

17 THE COURT: Okay. Let's move on.

18 BY MS. BROOK:

19 Q When Elton Simpson died --

20 A Uh-huh.

21 Q -- you knew that your brother helped arrange the funeral
22 arrangements?

23 A Yes.

24 Q And that he helped to pay in part for the funeral?

25 A Elton's parents while he was sitting --

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1 Q Just "yes" or "no." You knew that?

2 A I can't answer that.

3 THE COURT: The only question is: Did you know if
4 your brother helped to pay for it?

5 THE WITNESS: Not pay for it. Helped to get him
6 here. Yes.

7 BY MS. BROOK:

8 Q Helped to arrange to transport Elton Simpson's body back
9 from Texas to Phoenix?

10 A Yes. No money. Just told his parents what to do.

11 Q And you had talked to him and told him that he shouldn't
12 be doing that?

13 A I told him it wasn't a good idea.

14 Q On the night Elton Simpson was killed, you called your
15 brother to talk to him on the phone?

16 A It wasn't that night. No.

17 Q Was it the next day?

18 A I think it was a couple days because I kept seeing his
19 picture. And I knew who he was, but I didn't know. I just
20 knew I seen him before. And maybe the fourth or fifth day it
21 hit me.

22 Q Do you remember telling Detective Nash that it was that
23 night that your brother -- that you talked to your brother?

24 A No.

25 Q That you called him?

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1 A No.

2 Q And so it's your statement that you didn't say that to
3 Detective Nash?

4 A No. I did not.

5 Q And, additionally, that your brother told you on the phone
6 that he can't talk on the phone with you about Elton Simpson?

7 A Well, he was little pro -- yes. He told me. He says I
8 can't talk to you on the phone. He says I'll be up there in a
9 couple hours.

10 Q You had mentioned that there were times that your brother
11 would stay up at your property, at your horse property in
12 Surprise?

13 A Yes.

14 Q And you had mentioned that on weekends, occasionally, he
15 would spend the night with you?

16 A The whole weekend, yes.

17 Q How frequently would that happen?

18 A Like I say, we see each other probably four, sometimes
19 five times out of the week.

20 Q You had also mentioned that when you were at your
21 brothers's house at Cochise --

22 A Uh-huh.

23 Q -- that you never saw any terrorist-type videos being
24 played?

25 A Correct.

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1 Q What would you have done if you saw a beheading video
2 played there by your brother?

3 A I didn't, so I can't answer that.

4 Q Well, what would you have done?

5 MR. MAYNARD: Objection. Calls for speculation.

6 THE COURT: Sustained.

7 BY MS. BROOK:

8 Q You had mentioned that your dad was a police officer; is
9 that correct?

10 A Yes.

11 Q And that he taught you all how to -- how to shoot guns?

12 A The older -- the four older ones.

13 Q Okay. And shooting guns was obviously something that's
14 important to you. It's something that you would do out at
15 your property pretty regularly in Surprise?

16 A I wouldn't say it's important, but sometimes I like to,
17 yeah.

18 Q Is it a hobby you enjoy?

19 A Horses is a hobby. No.

20 Q But you had mentioned that you do have about six
21 weapons --

22 A Yes.

23 Q -- that you shoot?

24 A Yes.

25 Q Okay. And you know how to take care of those weapons?

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1 A Yes.

2 Q You know how to disassemble them, lubricate them,
3 reassemble them?

4 A Yes.

5 Q And you have also seen your brother disassemble, lubricate
6 and reassemble weapons?

7 A No.

8 Q Well, let me stop you there for a second, sir, because you
9 testified a minute ago that when you watched him do that, that
10 he just -- he didn't do it quite the right way?

11 A He didn't do it the right way at all, so I would always do
12 it.

13 Q Okay. So you have seen him do it?

14 A No.

15 Q How do you know he didn't do it the right way if you
16 didn't watch him do it?

17 A When he started taking it apart, there's a pin you pull
18 out. That's the very first thing you do. He wouldn't pull
19 the pin.

20 Q How long ago was that?

21 A How long ago?

22 Q Uh-huh.

23 A Probably, maybe, the last time he tried to take one apart,
24 maybe about a year ago.

25 Q And you also mentioned lubricate, that you watched him

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1 lubricate those weapons?

2 A No. I said I do.

3 Q Well, hang on a second there, sir, because you had said
4 that when he lubricated, he left too much lubrication,
5 actually, in the weapon. So in order for you to know that,
6 you would have to have seen that, right?

7 A When I disassemble --

8 Q Just "yes" or "no," sir.

9 A No.

10 Q So you never saw him do it, so you don't know if he
11 lubricates and leaves too much or not enough?

12 A I can't explain to you if it's just a "yes" or "no."

13 I break -- I break the weapon down. He starts to
14 spray it. It's too much lubrication.

15 Q Sir.

16 A I take it and I wipe it down.

17 Q You had testified a moment ago that you watched him do it
18 and that he left too much lubrication.

19 A And that's what I'm trying to explain to you.

20 I break it down. He sprays it. But when he sprays
21 too much lubrication, I take it and I --

22 Q Where exactly did he spray the lubrication that you saw?

23 A Inside the weapon itself. You know, it's too much. When
24 you spraying in the weapon itself.

25 Q But you saw him spray the lubrication into the weapon?

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1 A Yes. But I disassembled it.

2 Q No question.

3 Defense counsel asked you some questions about Stefan
4 Verdugo?

5 A Yes.

6 Q Do you remember telling Detective Nash that he was a good
7 kid?

8 A No. I did not.

9 Q Placing on the overhead the report from June 11th, does
10 that refresh your memory?

11 A No. Like I told defense counsel, when he came there
12 camping, he was going camping. Him and some people were going
13 camping so --

14 Q You don't remember -- just one second.

15 A I wouldn't let him in my house, so why would I say he's a
16 good kid if I wouldn't let somebody in my house?

17 Q Do you don't remember telling Detective Nash that he was a
18 good kid?

19 A No.

20 Q I want to go back for a moment to the weapons and when you
21 watched your brother spray the lubrication into the weapon to
22 lubricate it.

23 You said that you saw it was too much lubrication?

24 A Correct.

25 Q And did you explain that's too much lubrication?

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1 A Yes. I took it because I broke it down, break it down
2 from the barrel down. And when you're spraying, he sprays too
3 much. So I just took it and I said get away because you're
4 putting too much oil in there and I wipe it clean.

5 Q You had mentioned that Ricky Meechum went to --

6 A Meechum.

7 Q Meechum. I'm sorry.

8 Ricky Meechum went to go live with your brother for a
9 period of time?

10 A Yes.

11 Q Do you remember exactly when he moved in and when he moved
12 out?

13 A He was staying at my house for a while.

14 THE COURT: Do you remember what year or months?

15 THE WITNESS: It was in ninety -- I mean 2014.

16 BY MS. BROOK:

17 Q And how do you know that?

18 A How I do know that?

19 Q How do you remember that?

20 A Because he was at my house in the beginning of 2014. And
21 I was trying to get him a job, help him get a job. And then
22 that's when I came up with trying to get him to work for my
23 brother and it was 2014.

24 Q And your brother gave jobs to a lot of different people?

25 A Yes, he did.

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1 Q And you know that the neighborhood kids that lived across
2 the street from him at Cochise, he would give them -- buy them
3 clothes?

4 A Yes. And he would -- he went and bought a dog just so the
5 little guy Carlos would have a job cleaning the yard.

6 Q And he would also buy them some gifts?

7 A What do you mean "gifts"?

8 Q He would give them things that they didn't have otherwise?

9 A He would feed them. He would feed them. A couple of
10 times I was there somebody had raggedy shoes on and my brother
11 said: Why are your shoes so bad?

12 Well, mom didn't buy me any.

13 Q So he went out and bought them shoes?

14 A Yes.

15 MS. BROOK: One moment, please.

16 BY MS. BROOK:

17 Q I just want to go back for a moment and talk about the
18 videos that defense counsel asked you about.

19 He asked you specifically if you had ever seen
20 terrorist videos being played at your brother's house?

21 A Correct.

22 Q And you were clear that, no, you have never seen anything
23 like that?

24 A No.

25 Q And let's be clear for a second.

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1 So if you were to see somebody cutting off another
2 person's head on a video, how would that have made you feel?

3 MR. MAYNARD: Objection. Calls for speculation.

4 THE COURT: Sustained.

5 BY MS. BROOK:

6 Q What would you have done if you saw that?

7 MR. MAYNARD: Objection. Calls for speculation.

8 THE WITNESS: I can't answer that because --

9 THE COURT: We all agree. Sustained.

10 BY MS. BROOK:

11 Q Those types of videos were not things that you ever
12 watched yourself?

13 A No.

14 MR. MAYNARD: Been asked and answered.

15 THE COURT: Please ask your next question.

16 It was asked by you and she gets to ask it again on
17 cross.

18 MS. BROOK: Nothing further.

19 THE COURT: Mr. Maynard?

20 MR. MAYNARD: Your Honor, I have no questions.

21 THE COURT: May this witness be excused?

22 MR. MAYNARD: Yes.

23 THE COURT: Is there any objection?

24 MS. BROOK: No.

25 THE COURT: Mr. Sampson, thank you very much, sir.

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1 You may step down.

2 You are excused as a witness.

3 (End of Excerpt of Proceedings.)

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 7th day of March, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE